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NOTICE OF ALLOWANCE AND FEE(S) DUE

31013

7590

07/27/2009

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

FREINEL, VANEL

ART UNIT

PAPER NUMBER

3687

DATE MAILED: 07/27/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,714	01/18/2001	Sidney M. Baker	059376-00002	1589

TITLE OF INVENTION: SYSTEM AND METHOD FOR THE AUTOMATED PRESENTATION OF SYSTEM DATA TO, AND INTERACTION WITH,
A COMPUTER MAINTAINED DATABASE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/27/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless directed below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

31013 7590 07/27/2009

**KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/27/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
FRENEL, VANEL	3687	705-003000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. _____ 2
_____ 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 799 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 799 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/765,714

Examiner

VANEL FRENEL

Applicant(s)

BAKER ET AL.

Art Unit

3687

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/30/09 and Examiner's Amendment.
2. ☒ The allowed claim(s) is/are 1-5, 7 and 9-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-613),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Aaron S. Haleva on June 18, 2009. During the interview Attorney agreed to the followings:

Amendment to the Specification

IN THE SPECIFICATION:

Please amend the first paragraph of the Specification to read as follows:

This application claims the priority and benefit of U.S. Provisional Application No. 60/176,535, as well as U.S. Provisional Application No. **60/233.041**, entitled "SYSTEM AND METHOD FOR THE AUTOMATED PRESENTATION OF HEALTH DATA TO, AND ITS INTERACTION WITH, A COMPUTER MAINTAINED DATABASE, TO GENERATE INFORMATION REGARDING POSSIBLE REMEDIES, THERAPIES, PROBLEM SOLUTIONS AND BENEFICIAL PRACTICES, TO IMPROVE USER HEALTH" filed on Sep. 15, 2000, ~~Attorney Docket No. 2761-100~~, Sidney M. Baker, Inventor, the disclosures of each of which are hereby incorporated herein in their entirety.

Amendment to the claims

This listing of claims will replace all prior versions and listings of claims in this application:

IN THE CLAIMS:

Please amend the claims to read as follows. The following is a listing of all cancelled and pending claims, and cancels any prior listing in this application.

1. (currently amended) An interactive medico-health data acquisition, storage and analysis system, comprising:

a display;

an interactive medico-health data acquisition interface **displayed on the display;**

a memory;

at least one a data processor; and

a reporting module to report conclusions ~~of the data processing module~~ to a user,

wherein, in operation, the interactive medico-health data acquisition interface prompts a user to provide data sufficient to comprise a ~~substantially~~ comprehensive description of his health status;

wherein the user provided data is simplified so as to remove redundancies and **is** conceptually organized according to a defined ~~substantially~~ comprehensive medico-health taxonomy; ~~and~~

wherein the data is stored in the memory in a multidimensional data structure having at least three dimensions whose dimensions reflect said taxonomy, said at least three dimensions comprising a systemic field, a functional field and a locational field, and

wherein the display of the medico-health data acquisition interface, the prompting of a user, the simplification and organization of data, ~~and~~ the storage of data and the reporting to a user is performed by the at least one data processor.

2. (previously presented) The system of claim 1, wherein the interactive medico-health data acquisition interface obtains the data by dynamically posing a plurality of questions to a user.

3. (currently amended) The system of claim 1, wherein the at least one data ~~processing module~~ processor processes the stored data by implementing a clustering generation algorithm to find a set of other users whose multidimensional data structures are within a certain distance of the user's data structure according to a defined distance metric.

4. (previously presented) The system of claim 3, further comprising at least one of storing the cluster for further processing, reporting the members of the cluster to the user, further processing the data associated with the users in the cluster and facilitating on-line communications between the various members of the cluster.

5. (currently amended) The system of claim 4, wherein the at least one data ~~processing module~~ processor further processes the generated cluster to generate useful information for the user.

6. (canceled).

7. (currently amended) A method of medico-health data acquisition, storage, comparison and analysis, comprising:

providing a first multidimensional data structure comprising a comprehensive description of a health status of a first human being, said multidimensional data structure having at least three dimensions, comprising a systemic field, a functional field and a locational field;

storing said data structure in a database containing a plurality of other multidimensional data structures, each of said multidimensional data structures having at least three dimensions, comprising a systemic field, a functional field and a locational field, and each comprising a comprehensive description of the health status of another human being;

measuring a distance between the first multidimensional data structure and the plurality of other multidimensional data structures using a defined distance metric;

identifying a cluster of closest other multidimensional data structures within the database; and

analyzing the cluster of closest other multidimensional data structures for useful information,

wherein the providing, storing, measuring, identifying and analyzing is performed by, ~~or with the assistance of,~~ a data processor.

8. canceled.

9. (previously presented) The method of claim 7, where the number of other multidimensional data structures in the cluster is set dynamically.

10. (previously presented) The method of claim 9, where the number of other multidimensional data structures in the cluster is determined by means of comparing the moving average of the incremental increase in the distance associated with each added multidimensional data structure to a defined threshold.

11. (previously presented) The method of claim 10, wherein the analysis of the cluster generates useful medical information for one of the first human being and the other human beings in the cluster.

12. (previously presented) The method of claim 11, wherein the distance between the multidimensional data structures in the database is a measure of medico-health similarity.

13. (currently amended) A method of expressing a human's ~~substantially~~ comprehensive medico-health state as a multidimensional vector in a hyperspace, comprising:
articulating a substantially comprehensive description of a human's medico-health state using a specialized taxonomy via an interactive medico-health data acquisition interface; and

mapping the articulation to a vector in hyperspace whose components are numbers indicating a measure of a presence or an absence of each of a set of medico-health attributes, said vector having a plurality of components, each of said components having at least three dimensions, comprising a systemic field, a functional field and a locational field;

wherein said articulating and mapping is performed by a data processor, and wherein the components of said vector constitute a ~~substantially~~ orthogonal basis set for specifying a point in the hyperspace.

14. (previously presented) The method of claim 13, wherein the numbers vary between zero and an integer upper bound.

15. (previously presented) A computerized method of comprehensive medico-health data encoding, comprising:

encoding a comprehensive description of a human's health status as a set of numerical values, said values organized in a plurality of records, each record having at least three fields corresponding to a systemic field, a functional field and a locational field;

wherein said encoding is implemented by a data processor in response to data supplied by a user interacting with an automated interactive medico-health data acquisition interface controlled by said data processor that queries a user and elicits said user's responses in terms of a defined comprehensive medico-health taxonomy; and

wherein the set of numerical values comprise the values of categories or qualities that collectively form a orthogonal basis set in a hyperspace.

16. (previously presented) The method of claim 15 wherein each of the values of said categories or qualities itself has M fields or dimensions.

17. (previously presented) The method of claim 16, wherein M equals three.

18. (previously presented) The method of claim 17, wherein each three-dimensional value is a unique coincidence of: a bodily system identifier; an identifier of a medical condition or pertinent fact; and an identifier of anatomical location.

9. (new) A computer storage medium having software code stored thereon, the software code being configured to cause a computer to execute a method for interactive medico-health data acquisition, storage and analysis, the method comprising: displaying an interactive medico-health data acquisition interface on a display; prompting a user to provide data sufficient to comprise a comprehensive description of his health status via the interface; simplifying the user provided data so as to remove redundancies; conceptually organize the data according to a defined comprehensive medico-health taxonomy; and

storing the data in a memory in a multidimensional data structure having at least three dimensions whose dimensions reflect said taxonomy, said at least three dimensions comprising a systemic field, a functional field and a locational field.

20. (new) The computer storage medium of claim 19, wherein the prompting of the user to provide data obtains the data by dynamically posing a plurality of questions to the user.

21. (new) The computer storage medium of claim 19, said method further comprising processing the stored data by implementing a clustering generation algorithm to find a set of other users whose multidimensional data structures are within a certain distance of the user's data structure according to a defined distance metric.

22. (new) The computer storage medium of claim 21, said method further comprising at least one of storing the cluster for further processing, reporting the members of the cluster to the user, further processing the data associated with the users in the cluster and facilitating on-line communications between the various members of the cluster.

23. (new) The computer storage medium of claim 22, said method further comprising processing the generated cluster to generate useful information for the user.

Notice to Applicant

2. This communication is in response to the Amendment filed on 3/30/09. Claims 1, 7, and 13 have been amended. Claims 6 and 8 have been cancelled. Claims 19-23 have been newly added. Claims 1-5, 7, 9-23 are pending.

Allowable Subject Matter

3. Claims 1-5, 7, 9-23 are allowed. The following is an examiner's statement of reasons for allowance.

Independent claims 1, 7, 13, 15 and 19 are directed to "wherein the data is stored in the memory in a multidimensional data structure having at least three dimensions whose dimensions reflect said taxonomy, said at least three dimensions comprising a systemic field, a functional field and a locational field, and wherein the display of the medico-health data acquisition interface, the prompting of a user, the simplification and organization of data, the storage of data and the reporting to a user is performed by the at least one data processor".

The closest prior art of record: Pattichis discloses (Neural Network Models in EMG Diagnosis; May 5, 1995).

Woods (5,724,571) discloses method and apparatus for generating query responses in a computer-based document retrieval system.

GOLDENBERG (2002/0065682) discloses virtual doctor interactive cybernet system.

Gulati (6,780,589) discloses method and system using active signal processing for repeatable signal amplification in dynamic noise backgrounds.

However, the combination Pattichis, Gulati, GOLDENBERG and Wood fails to teach or suggest "wherein the data is stored in the memory in a multidimensional data structure having at least three dimensions whose dimensions reflect said taxonomy, said at least three dimensions comprising a systemic field, a functional field and a locational field, and wherein the display of the medico-health data acquisition interface, the prompting of a user, the simplification and organization of data, the storage of data and the reporting to a user is performed by the at least one data processor", as recited in claims 1, 7, 13, 15 and 19 above.

Claims 2-5, 9-12, 14, 16-18 and 20-23 incorporate the features of claims 1, 7, 13, 15 and 19 through their dependencies, and are also allowed for the same reasons given above.

The drawings filed on 7/25/01 have been considered by the Examiner.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/
Examiner, Art Unit 3687
June 21, 2009